

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

AIMEE BEVAN, as Personal Representative of the Estate  
of Desiree Gonzales, deceased,

Plaintiff,

vs. NO: 1:15-CV-00073-KG-SCY

SANTA FE COUNTY, MARK GALLEGOS, Deputy Warden/Acting  
Youth Development Administrator, in his official and  
individual capacities, GABRIEL VALENCIA, Youth  
Development Administrator, Individually, MATTHEW  
EDMUNDS, Corrections Officer, Individually, JOHN  
ORTEGA, Corrections Officer, MOLLY ARCHULETA,  
Corrections Nurse, Individually, ST. VINCENT HOSPITAL  
and NATHAN PAUL UNKEFER, M.D.,

Defendants.

**DEPOSITION OF TERASA PROCK, M.D..**

May 28, 2015

9:31 a.m.

218 Montezuma Avenue  
Santa Fe, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL  
PROCEDURE, this deposition was:

TAKEN BY: MR. LEE R. HUNT  
Attorney For Plaintiff

REPORTED BY: Arlette McClain, CCR #85  
Bean & Associates, Inc.  
Professional Court Reporting Service  
201 Third Street, Northwest, Suite 1630  
Albuquerque, New Mexico 87102  
(3019L-AM)

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1 put it this way -- it is unclear to me, and we'll  
2 have to cover it again, and I apologize for replowing  
3 the same ground. I want to go back to the first  
4 conversation. I want you to tell me exactly what you  
5 recall the county employee telling you?

6 MR. TAYLOR: Form.

7 MS. SAFARIK: Join.

8 A. Okay.

9 Q. To the best of your ability?

10 A. To the best of my ability, he said that she  
11 was normal upon entering the jail, that she was  
12 walking, talking, that she actually made a phone call  
13 to her mother, and she was not in any distress during  
14 that time.

15 Q. I'm going to break this down a little bit,  
16 because I want to ask some questions. Let's deal  
17 with that.

18 You were trying to establish a time line?

19 A. Right.

20 Q. That was the purpose of the conversation?

21 A. Yes.

22 Q. And did you ask him how he got that  
23 information?

24 A. I did not.

25 Q. Do you know, as we sit here today, how he

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1 A. It's possible.

2 Q. So as we sit here today, you don't really  
3 know if he said "placed in a cell" or not, right?

4 A. It's possible I'm wrong. To the best of my  
5 recollection, I heard "cell."

6 Q. Have you ever heard the term "boat"?

7 A. No.

8 Q. Did he say anything to you about her being  
9 placed in a boat?

10 A. No.

11 Q. Do you know a "boat" is?

12 A. Other than that which is on the sea,  
13 absolutely not.

14 Q. Fair enough. Do you know -- I'm trying  
15 to -- I'm asking you this to see if I can jog your  
16 recollection.

17 A. Uh-huh.

18 Q. Do you recall the term "day room" being  
19 used?

20 A. No.

21 Q. Do you recall the term "Anasazi" being  
22 used?

23 A. No. And I can honestly say I never heard  
24 the term both, day room, or Anasazi.

25 Q. Do you remember any discussion about

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1 got that information?

2 A. I do not. He -- in the course of speaking  
3 with him, he spoke as if he saw her directly, that he  
4 was present during that event.

5 Q. During when she initially arrived at the  
6 facility?

7 A. That was my understanding.

8 Q. So you formed that understanding at the  
9 time?

10 A. I did.

11 Q. All right. And have you since heard or  
12 seen any information that would cause you to question  
13 that understanding?

14 A. No.

15 Q. We're talking about her coming into the  
16 facility, you described that. Continue with what you  
17 recall his account to be?

18 A. He said that she made a phone call. He  
19 said that she was placed in her cell at around 11:00.

20 Q. Let me ask you that. Did he use the words  
21 "placed in her cell"?

22 A. He said she was put in the cell.

23 Q. He used the word "cell"?

24 A. Yes, as far as I can remember.

25 Q. Is it possible you're wrong about that?

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1 Ms. Gonzales being placed in a boat in the Anasazi  
2 day room, specifically for the purpose of being -- of  
3 the YDP personnel to be able to watch her that  
4 evening?

5 A. No.

6 Q. That's news to you today, isn't it?

7 MR. TAYLOR: Form.

8 A. Yes.

9 Q. So she is placed -- we were talking about  
10 her being placed in a cell. And I appreciate your  
11 working through this with me. We'll take it a step  
12 at a time.

13 What did he say after that?

14 A. He said that when she went into the cell,  
15 that she was normal, but that shortly thereafter --  
16 he did not give a specific time, that he thought she  
17 was having trouble breathing.

18 And I said, "Tell me what you thought.  
19 Tell me what you saw."

20 And he said, "She was making gurgling  
21 noises" and that she was "gasping for air."

22 Q. Let's talk about that a little bit.  
23 According to your recollection of the account she  
24 went into the cell at approximately 11:00?

25 A. That's what I was told.

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1 **Q. At 11:00, according to your account, she is**  
2 **normal?**

3 A. That's what the guard told me.

4 **Q. At some subsequent time, you don't know**  
5 **when, he noticed some issue with her breathing?**

6 A. That's correct.

7 **Q. Now, do you know how it is that he became**  
8 **aware of an issue with her breathing?**

9 A. He said that he observed her gurgling --  
10 making gurgling noises and gasping for air.

11 **Q. And do you know how many times he made that**  
12 **observation?**

13 A. I do not.

14 **Q. Could it have been more than once?**

15 A. I have no idea.

16 **Q. You didn't ask him?**

17 A. I did not ask him.

18 **Q. So you don't know?**

19 A. No. I did ask if he checked on her  
20 multiple times, and he said "No."

21 **Q. Let me ask you this: Did you get any sense**  
22 **of the conversation as to when the gurgling started?**

23 A. My sense was that it was fairly soon after  
24 she was placed in the cell, but, again, he did not  
25 give an exact time.

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1 **Q. But at some point after 11:00, he had to**  
2 **have checked on her because he saw there was some**  
3 **issue with her breathing?**

4 A. At some point, yes.

5 **Q. You just don't know when that was?**

6 A. I don't know.

7 **Q. Or how frequent it was, do you?**

8 A. I know how frequent it was, only because I  
9 also asked him exactly -- I was trying to clarify his  
10 time line, so I actually asked him, "When did you see  
11 the gurgling and gasping" and he didn't say. So I  
12 don't know when that was.

13 **Q. I understand that.**

14 A. Then I said, "What did you do," and he said  
15 he notified a supervisor. And I said, "Did you  
16 notify any medical personnel?" He said, "No."

17 I said, "Then what happened?" I didn't get  
18 an answer. I said, "What was she doing after? Did  
19 you check on her?" He said, "No, I did not check on  
20 her until later" -- my recollection is around 2:30,  
21 and I remember repeatedly asking him, "What was she  
22 doing during that time? Was she sleeping? Were  
23 there cameras? Do you know what was going on?"

24 And he said, "No."

25 **Q. So your recollection is that he didn't**

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1 **check on her until 2:30 a.m., but we know that**  
2 **recollection is inaccurate, it cannot be right?**

3 A. It cannot be right that it was at 2:30  
4 because of the documentation that apparently she left  
5 the facility before that.

6 **Q. Let's talk about what we -- I think we have**  
7 **a general sense of, is that she was discovered to be**  
8 **nonresponsive at 1:43 a.m. Does that sound correct**  
9 **to you?**

10 A. That is what is stated here.

11 **Q. By way of history you were working with at**  
12 **that time?**

13 A. I was not aware of it at that time. The  
14 only thing I was aware of is what he told me.

15 **Q. But apparently other personnel were made**  
16 **aware of that information?**

17 A. Apparently.

18 **Q. And do you know how it is that he**  
19 **determined that Ms. Gonzales was nonresponsive at**  
20 **1:43 in the morning?**

21 A. I asked him, specifically, "Did you try to  
22 arouse her? Did you shake her? Did you try to wake  
23 her up?" What I was referring to was this time that  
24 she was gurgling. And he did not answer me. I did  
25 not get an answer to that question.

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1 **Q. Fair enough. So you don't know?**

2 A. So I don't know.

3 **Q. This is what I'm trying to find out, what**  
4 **history, if any, did you obtain in connection with**  
5 **how the county employee determined that Ms. Gonzales**  
6 **was unresponsive?**

7 A. I don't know. I don't know if it even was  
8 the same employee that found her unresponsive.

9 **Q. Someone would have had to have checked to**  
10 **see that she was not responsive, right?**

11 A. Yes.

12 **Q. You can't just discern that from thin air?**

13 A. Right.

14 **Q. Now, I want to go over this very carefully**  
15 **with you.**

16 **When you said something about, he said that**  
17 **he didn't check on her?**

18 A. Uh-huh.

19 **Q. Is that what you said?**

20 A. That's what I said.

21 **Q. That's different, you'll agree with me than**  
22 **saying, she, wasn't checked on at all?**

23 A. I am not saying that she was not checked on  
24 at all, because I was not there. I was told by this  
25 person that he did not check on her at all, after the

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1 gurgling episode, until I said 2:30.

2 **Q. So it's possible that other people may have**  
3 **checked on her?**

4 A. It's possible.

5 **Q. And you don't know?**

6 A. I don't know.

7 **Q. You don't recall this gentleman's name?**

8 A. I don't.

9 **Q. In the course of -- let me just try to jog**  
10 **your memory. Do you remember discussing anything**  
11 **about an employee named Matthew Edmunds?**

12 A. No.

13 **Q. Do you remember discussing anything about**  
14 **another similar employee named John Ortega?**

15 A. No.

16 **Q. Do you remember any discussion from anyone,**  
17 **either during this initial encounter, or the later**  
18 **encounter with the supervisor, about Mr. Ortega and**  
19 **Mr. Edmunds being only a few feet away from**  
20 **Ms. Gonzales this entire evening?**

21 A. No.

22 **Q. Do you remember any discussion about their**  
23 **leaving the door open to the day room so that they**  
24 **could listen to her breathing during the course of**  
25 **this evening?**

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1 A. No.

2 (Bill Slattery entered the deposition  
3 suite.)

4 **Q. To a layperson, could this agonal breathing**  
5 **that you have described, which is a medical term of**  
6 **art, could that at times sound like snoring or sleep**  
7 **apnea?**

8 MR. TAYLOR: Form and foundation.

9 MS. SAFARIK: Join.

10 A. It might.

11 **Q. How so?**

12 A. Agonal breathing can sometimes sound like  
13 snoring. The difference is that there are long gaps  
14 in time. Usually if someone is just normally snoring  
15 they're taking regular breaths and they're making a  
16 snoring noise. Agonal breathing is usually -- there  
17 are longer periods of time between breaths.

18 **Q. So it would be kind of a -- what would it**  
19 **sound like? Describe what it would be like?**

20 A. The agonal breathing?

21 **Q. Yes, ma'am.**

22 A. A gasp. I can demonstrate, but that  
23 doesn't come across.

24 **Q. No.**

25 A. A gasping sound, a rattling sound, perhaps,

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1 a gurgling sound.

2 **Q. People who are intoxicated at times develop**  
3 **sleep apnea; is that right?**

4 MR. TAYLOR: Form and foundation.

5 MS. SAFARIK: Join.

6 A. That's correct.

7 **Q. And that can sound like snoring, as well?**

8 A. It can.

9 **Q. And in some ways can be similar to the**  
10 **agonal breathing that you discussed?**

11 A. In some ways.

12 **Q. Someone without your expertise, listening**  
13 **to an impaired person sleeping, and breathing, might**  
14 **not discern agonal breathing?**

15 A. That's correct.

16 MR. TAYLOR: Form.

17 **Q. In a person who's OD'd?**

18 MR. TAYLOR: Form.

19 A. That's correct.

20 **Q. I think you said she's not protecting the**  
21 **airway. What do you mean by that?**

22 A. I meant, and I explained to him what I  
23 meant by that, is that she's not getting adequate  
24 oxygen to her brain.

25 **Q. But what does the "protecting her airway"**

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1 **mean, is it a collapsing of the airway?**

2 A. It is.

3 **Q. I'm thinking about snoring, when other**  
4 **tissues are in the way of breathing.**

5 A. It is very much similar to that.

6 **Q. So it's a relaxation of the -- of tissue in**  
7 **the airway that's obstructing the airway, that can**  
8 **cause agonal breathing?**

9 A. It can. I should say, again, as mentioned  
10 before, agonal breathing is really the very end  
11 stages of someone who is attempting to breathe, but  
12 those breaths are not enough to sustain life.

13 **Q. And with -- I'm assuming with a heroin**  
14 **overdose, there is probably a progression where there**  
15 **is respiratory depression that may continue to**  
16 **something more?**

17 A. That's true.

18 **Q. Is that right?**

19 A. That's correct.

20 **Q. And that change, as it occurs over time may**  
21 **be rather subtle?**

22 A. It could be.

23 **Q. I mean, in the hospital setting, you're**  
24 **able to monitor the effectiveness of the respirations**  
25 **with the pulse oximeter and things like that, right?**